



Case 7307-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : **Petitions Office**
Chi Lung NGAN : **Attn: Petitions Examiner**
Serial No. 10/736,586 :
Filed: December 17, 2003 :
For: MAGNETIZED CARD HOLDER :

PETITION UNDER 37 C.F.R. 1.181
FOR ENTRY OF TIMELY FILED NON-ENTERED
NON-PUBLICATION REQUEST FILED DECEMBER 17, 2003
AND
PETITION FOR DELETION OF PUBLISHED APPLICATION FROM
OFFICIAL U.S. PATENT AND TRADEMARK OFFICE ELECTRONIC DATABASE
AND
REQUEST FOR RESCINDING PUBLICATION FEE ASSESSED
AGAINST APPLICANT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

Applicant timely filed a Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i) on December 17, 2003, at the same time as and accompanying the application papers for the above-identified application.

Applicant submits herewith a true copy of the Nonpublication Request dated December 17, 2003, as well as a true copy of the date-stamped postcard receipt indicating that the Nonpublication Request was filed along with the other application papers on

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December 17, 2003, as evidenced by the hand-stamped OIPE date stamp.

Applicant has now learned that the Patent Office published Applicant's application no. 10/736,586 as Publication No. US-2004-0261306-A1 on the official Patent Office website as of December 30, 2004.

This publication on the official website was against Applicant's explicit and timely filed request.

Accordingly, Applicant hereby requests that the Commissioner delete all reference to that Publication No. 2004-0261306-A1 in the official database.

Still further, Applicant respectfully requests that the \$300.00 publication fee which has been assessed against Applicant's application be refunded.

This request is timely because the \$300.00 publication fee was paid today with the separately filed payment of the Issue Fee.

Undersigned counsel discussed this matter with Robert Clark on January 28, 2005. Mr. Clark indicated that Applicant should file this Petition Under 37 C.F.R. 1.181 in order to request a credit of the \$300.00 publication fee by the filing of this Petition Under 37 C.F.R. 1.181.

Mr. Clark likewise confirmed that no Petition fee was due,

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as this matter had been filed under Rule 181. This is consistent with the Rules.

Accordingly, no fee is believed to be due and no fee has been submitted with this paper.

In sum, please refund the \$300.00 publication fee to our Deposit Account No. 19-2105.

Should any outstanding formal matters or other issues remain, Patent Office officials are requested to telephone Terrence Brown at 703-684-5600 to resolve such.

Respectfully submitted,

Date:

February 15, 2005

By:

Terrence L.B. Brown

Terrence L.B. Brown
Reg. No. 32,685

SHLESINGER, ARKWRIGHT & GARVEY LLP
1420 King Street, Suite 600
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PTO/SB/35 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor

Chi Lung NGAN

Title

MAGNETIZED CARD HOLDER

Atty Docket Number

7307-1

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12/17/2003
Date


Signature

TERRENCE L. B. BROWN
Typed or printed name
REG. No. 32,685

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

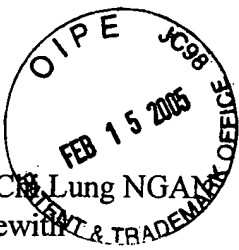
If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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BESJR/sb

In re Patent Application of **Ch Lung NGAM**
Serial No. N/A - Filed: Herewith
For: **MAGNETIZED CARD HOLDER**



**Including: TRANSMITTAL LETTER (2 pages); Specification (17 pages);
twenty(20) patent claims; Abstract; Three(3) sheets of drawings depicting
Figures 1-10; Executed Declaration and Power of Attorney (3 pages);
Executed Small Entity Declaration (1 page); Information Disclosure
Statement (2 pages); Form PTO-1449 (1 page); along with eleven(11) cited
references; and a check in the amount of \$385.00. Nonpublication
Request Under 35 U.S.C. 122(b)(2)(B)(i)**

Serial No. _____

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